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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,373	08/04/2005	Richard John Thompson	UDL1P016/GJA/pw/P400410US	4786
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Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120				
			EXAMINER BOCHNA, DAVID	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/519,373

Applicant(s)

THOMPSON, RICHARD JOHN

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

1. Claims 43 and 48 are objected to because of the following informalities:

Claim 43 contains the phrase "a respective flange extending inwardly of at least one said channel" twice in lines 4-5. Appropriate correction is required.

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Claim 48 contains the phrase “a respective flange extending inwardly of at least one said channel” twice in lines 3-4. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26-29 and 31-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Dwyer ‘402.

In regard to claim 26, Dwyer ‘402 discloses a coupling member for coupling a first section of trunking to a second section of trunking, the coupling member comprising:-  
a body 41 having first and second elongate members (two back angled vertical sides of 41), the body defining first 45 and second 44 surfaces adapted to respectively engage a first flange 11 on a first section of trunking and a second flange 11 on a second section of trunking, and a third surface (bottom surface of 41) connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use; and at least one connecting member 49 for joining distal ends of said first and second elongate members.

In regard to claim 27, wherein said first and second surfaces have at least one retaining device (holes for bolts) adapted to retain said surfaces with respective first and second flanges 11.

In regard to claim 28, wherein said distal ends of first and second elongate members further comprise at least one retaining device (flange 42 and holes in 42) adapted to engage at least one said retaining device (holes in 49) in said connecting member.

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In regard to claim 29, wherein at least one said retaining device comprises at least one hole adapted to receive a respective screw or bolt therein.

In regard to claim 31, wherein said body is substantially U-shaped (see cross section in fig. 4) and said connecting member 49 is substantially linear.

In regard to claim 32, further comprising at least one guide device 30 extending from a fourth surface, connecting said first and second surfaces and opposing said third surface, at least one said guide device being adapted to extend within at least one of said first or second trunking sections.

In regard to claim 33, wherein at least one said guide device is adapted (surfaces 32 and 36) to be bent towards internal surfaces of said trunking sections.

In regard to claim 34, further comprising at least one gasket seal 22.

In regard to claim 35, Dwyer disclose a section of waterproof trunking comprising:  
a body portion 41 defining at least one inlet for a cable, and having at least one aperture (top) for allowing access to an inside of said body portion, wherein the or each said aperture is adapted to receive a respective cover device 49 thereon; and

a flange 27 provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section 10.

In regard to claim 36, wherein said aperture 41 extends along more than 95% of the length of a side.

In regard to claim 37, wherein at least one said cover device 49 is a lid adapted to cover all of said side containing said aperture and to extend at least partially along two adjacent sides of the section.

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In regard to claim 38, wherein the or each flange 27 extends from said side substantially perpendicular to said side.

In regard to claim 39, wherein said flange 27 is a single flange extending from all sides of the trunking section.

In regard to claim 40, further comprising at least one guide device 30 extending from said flange towards an internal section of said trunking section 10 and adapted to extend within a further trunking section.

In regard to claim 41, wherein at least one said guide device 30 is adapted to be bent towards internal surfaces of said further trunking section 10.

In regard to claim 42, further comprising at least one gasket seal 29 attached to the or each flange.

In regard to claim 43, Dwyer discloses a section of waterproof trunking comprising:  
a body portion 40 having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel 41; and

a respective flange 27 extending inwardly of at least one said channel; and adapted to engage at least one further trunking section 10.

In regard to claim 44, further 27 comprising three substantially planar sides arranged perpendicular to each other.

In regard to claim 45, wherein side portions extend toward each other from two of said three planar sides and thereby define an opening to said open channel.

In regard to claim 46, wherein said trunking section is retained to a further trunking section by at least one coupling device (bolts).

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In regard to claim 47, further comprising at least one gasket seal 29.

In regard to claim 48, Dwyer discloses a trunking system comprising:

at least one first section of waterproof trunking 10 having a body portion having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel 13, a respective flange 27 extending inwardly of at least one said channel, and a respective flange extending inwardly of at least one said channel and adapted to engage at least one further trunking section;

at least one respective lid 16 for covering said channel; and

at least one coupling member 40 for coupling said first section 10 of trunking to a second section of trunking 10, the coupling member having a body having first and second elongate members (back angled vertical sections of 40), the body defining first 45 and second 44 surfaces adapted to respectively engage a first flange 11 on a first section of trunking and a second flange 11 on a second section of trunking, and a third surface (bottom surface of 40) connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use, and at least one connecting member 30 for joining distal ends of said first and second elongate members.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer in view of Burley.

In regard to claim 30, Dwyer discloses the use of threaded fasteners to connect a coupling member and trunking sections in order to provide a quickly connectable trunking system, but Dwyer does not disclose that the hole for the threaded fastener is internally threaded. Burley teaches that providing threaded holes 46 instead of nuts, for quickly connecting a coupling member 11 to a trunking section 10, is common and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the nut and bolt connection of Dwyer to include internally threaded holes, as taught by Burley, in order to improve upon the ease connection of the mating members.

#### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young et al., Carroll et al., Johnston et al., McNaughton and Jenkins all disclose similar couplings common in the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

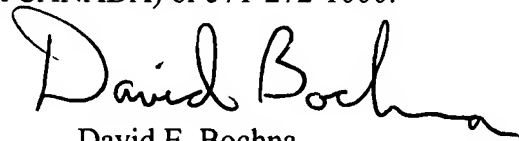
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "David Bochna". The signature is fluid and cursive, with a long horizontal stroke at the end.

David E. Bochna  
Primary Examiner  
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